

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF APPEALS

In re Patent Application of:	)	
ROY ET AL.	)	Examiner: F. SYED
	)	
Serial No. 10/777,577	)	Art Unit: 2165
	)	
Filing Date: FEBRUARY 12, 2004	)	Attorney Docket No.
	)	ID-493 (80216)
For: COMMUNICATIONS SYSTEM INCLUDING)	)	
PROTOCOL INTERFACE DEVICE FOR	)	
USE WITH MULTIPLE OPERATING	)	
PROTOCOLS AND RELATED METHODS	)	
	)	

---

APPELLANTS' APPEAL BRIEF

MS Appeal Brief-Patents  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Submitted herewith is Appellants' Appeal Brief together with the requisite \$510.00 large entity fee for filing a brief. If any additional extension and/or fee is required, authorization is given to charge Deposit Account No. 01-0484.

(1) Real Party in Interest

The real party in interest is TeamOn Systems, Inc., assignee of the present application, as recorded at reel 014992, frame 0553.

(2) Related Appeals and Interferences

At present there are no related appeals, judicial proceedings, or interferences.

In re Patent Application of:

**ROY ET AL.**

Serial No. **10/777,577**

Filed: **FEBRUARY 12, 2004**

---

(3) Status of the Claims

Claims 1, 3-13, 15-17, 19-21, 23-25, 27, and 28 are pending in the application, all stand rejected, and are being appealed herein. Claims 2, 14, 18, 22, and 26 have been canceled and are not appealed herein.

(4) Status of the Amendments

In the Amendment After Final of August 10, 2007, Appellants submitted an amendment to dependent Claim 9 to address an informality. For the purposes of appeal, the submitted amendment to dependent Claim 9 was not entered by the Examiner. A copy of the claims involved in this appeal is attached hereto as Appendix A.

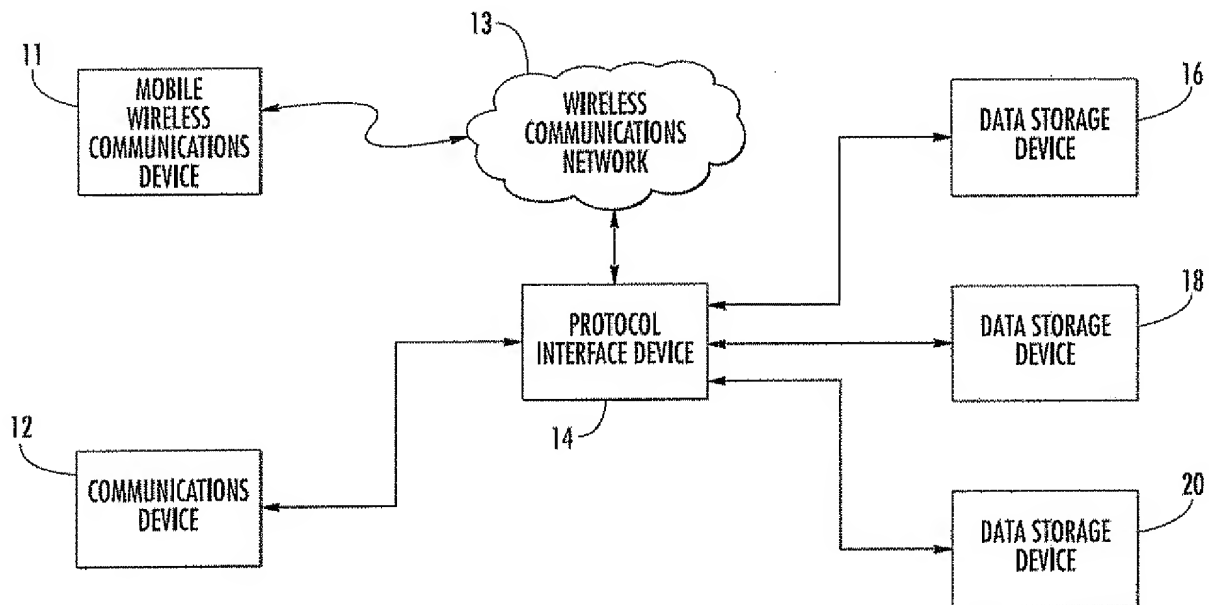
(5) Summary of the Claimed Subject Matter

Independent Claim 1 is directed to a communications system **10**. The communication system comprises a plurality of electronic mail (email) data storage devices **16, 18, 20** each using at least one of a plurality of different operating protocols, a plurality of mobile wireless communications devices **11, 12** for accessing the email data storage devices and each using at least one of the plurality of different operating protocols, and a protocol interface device **14**. The protocol interface device includes a front-end proxy module **30** for communicating with the plurality of mobile wireless communications devices using respective operating protocols, and

In re Patent Application of:  
**ROY ET AL.**  
Serial No. 10/777,577  
Filed: **FEBRUARY 12, 2004**

---

a protocol engine module **32** for communicating with the plurality of email data storage devices using respective operating protocols. The front-end proxy module and the protocol engine module communicate using a common interface protocol able to represent a desired number of protocol-supported elements for a desired operating protocol and cooperate to aggregate email messages from the email data storage devices to respective mobile wireless communications devices. (See Figures 1 and 2, reproduced below, and Specification page 8, line 4 through page 15, line 17)).



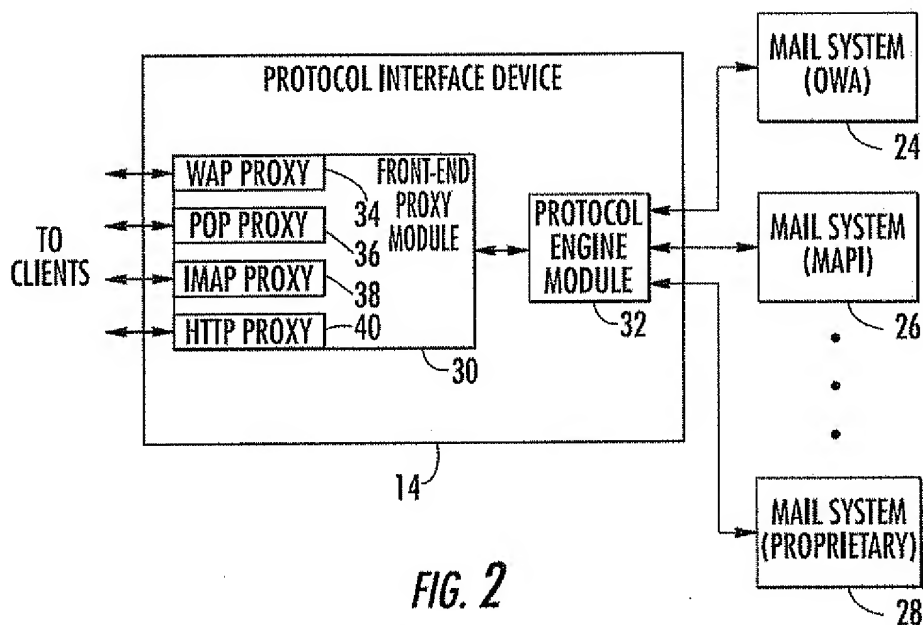
**Figure 1 of the Present Application**

In re Patent Application of:

ROY ET AL.

Serial No. 10/777,577

Filed: FEBRUARY 12, 2004



**FIG. 2**

**Figure 2 of the Present Application**

Independent Claim 13 is directed to a protocol interface device **14** for interfacing a plurality of mobile wireless communications devices **11, 12** with a plurality of electronic mail (email) data storage devices **16, 18, 20**. The mobile wireless communications devices and email data storage devices each use at least one of a plurality of different operating protocols. The protocol interface device may include a front-end proxy module **30** for communicating with the plurality of mobile wireless communications devices using respective operating protocols, and a protocol engine module **32** for communicating with the plurality of email data storage devices using respective operating protocols. The front-end proxy module and the protocol engine module communicate using a common interface protocol able to represent a desired number of protocol-supported elements for

In re Patent Application of:

**ROY ET AL.**

Serial No. **10/777,577**

Filed: **FEBRUARY 12, 2004**

---

a desired operating protocol and cooperate to aggregate email messages from the email data storage devices to respective mobile wireless communications devices. (See Figures 1 and 2, reproduced above, and Specification page 8, line 4 through page 15, line 17).

Independent Claim 17 is directed to a protocol interface device **14** for interfacing a plurality of communications devices **11, 12** with a plurality of electronic mail (email) data storage devices **16, 18, 20**. The communications devices and email data storage devices each use at least one of a plurality of different operating protocols. The protocol interface device may include a front-end proxy module **30** for communicating with the plurality of communications devices using respective operating protocols, and a protocol engine module **32** for communicating with the plurality of email data storage devices using respective operating protocols. The front-end proxy module and the protocol engine module communicate use a common interface protocol able to represent a desired number of protocol-supported elements for a desired operating protocol and cooperate to aggregate email messages from the email data storage devices to respective mobile wireless communications devices. (See Figures 1 and 2, reproduced above, and Specification page 8, line 4 through page 15, line 17).

Independent Claim 21 is directed to a method for interfacing a plurality of mobile wireless communications devices **11, 12** with a plurality of electronic mail (email) data storage

In re Patent Application of:

**ROY ET AL.**

Serial No. 10/777,577

Filed: **FEBRUARY 12, 2004**

---

devices 16, 18, 20. The mobile wireless communications devices and email data storage devices each use at least one of a plurality of different operating protocols. The method may include providing a front-end proxy module 30 for communicating with the plurality of mobile wireless communications devices using respective operating protocols, and providing a protocol engine module 32 for communicating with the plurality of email data storage devices using respective operating protocols. The method may also include causing the front-end proxy module and the protocol engine module to communicate using a common interface protocol able to represent a desired number of protocol-supported elements for a desired operating protocol and to cooperate to aggregate email messages from the email data storage devices to respective mobile wireless communications devices. (See Figures 1 and 2, reproduced above, and Specification page 8, line 4 through page 15, line 17).

Independent Claim 25 is directed to a computer-readable medium having computer-executable modules for interfacing a plurality of mobile wireless communications devices 11, 12 with a plurality of electronic mail (email) data storage devices 16, 18, 20. The mobile wireless communications devices and email data storage devices each use at least one of a plurality of different operating protocols. The computer-readable medium may include a front-end proxy module 30 for communicating with the plurality of mobile wireless communications devices using respective operating protocols, and a protocol engine module 32 for communicating with

In re Patent Application of:

**ROY ET AL.**

Serial No. 10/777,577

Filed: **FEBRUARY 12, 2004**

---

the plurality of email data storage devices using respective operating protocols. The front-end proxy module and the protocol engine module communicate using a common interface protocol able to represent a desired number of protocol-supported elements for a desired operating protocol and cooperate to aggregate email messages from the email data storage devices to respective mobile wireless communications devices. (See Figures 1 and 2, reproduced above, and Specification page 8, line 4 through page 15, line 17).

(6) Grounds of Rejection to be Reviewed On Appeal

The Examiner rejected Claims 1, 3-13, 15-17, 19-21, 23-25, 27, and 28 under 35 U.S.C. §103(a) over U.S. Patent Application Publication No. 2002/0016818 to Kirani et al. in view of U.S. Patent Application Publication No. 2002/0160773 to Gresham et al.

(7) Argument

As will be described in greater detail below, Appellants respectfully submit that the Examiner has mischaracterized the Kirani et al. reference and improperly combined the Kirani et al. and the Gresham et al. references. Accordingly, Appellants respectfully request that the Board of Patent Appeals and Interferences reverse the Examiner.

The Examiner rejected independent Claims 1, 13, 17, 21, and 25 over Kirani et al. in view of Gresham et al. Kirani et

In re Patent Application of:

**ROY ET AL.**

Serial No. **10/777,577**

Filed: **FEBRUARY 12, 2004**

---

al. discloses an email system comprising a media storage, a multimedia extractor, a sender device, and a recipient device. (Figure 3). The multimedia extractor is implemented within a Simple Mail Transfer Protocol (SMTP) mail server. (Paragraphs 64-65, 80, and 93). Upon sending of an email from the sender device, the email is routed to a "standard SMTP mail server, which filters mail with the multimedia extractor." (Paragraph 93).

Depending on the multimedia capabilities of the recipient device, the system removes the multimedia content from the email, stores the removed content in the media storage, and inserts a Uniform Resource Locator link in the modified email directing the user to the full media content in the media storage. (Paragraphs 94-95). The system may also reformat the multimedia content within the email and substitute a modified version into the email before routing it for final delivery to the recipient device. (Paragraph 68). The capabilities of the recipient device are stored within the system, inputted in the system by the user through the web, stored within the email from the sender device, or automatically determined by the system. (Paragraph 65).

The Examiner correctly notes that Kirani et al. fails to disclose a front-end proxy module for communicating with the plurality of mobile wireless communications devices using respective operating protocols, as recited in independent Claim 1, for example, and looks to Gresham et al. to supply this



In re Patent Application of:

**ROY ET AL.**

Serial No. 10/777,577

Filed: **FEBRUARY 12, 2004**

---

deficiency. Gresham et al. discloses a wireless network for airliners comprising a proxy server for connecting to wireless devices within the cabin of the airliner, for example, a laptop computer. The proxy server of Gresham et al. emulates the response of ground based electronic messaging systems with respect to individual wireless devices. (Paragraphs 13-14). The Examiner's stated motivation to combine is to transfer and display multimedia data on various types of devices, particularly, those with wireless connectivity, citing Kirani et al. (Paragraph 4).

Appellants submit that the proposed combination does not teach every feature of the claimed invention. More specifically, Kirani et al. fails to disclose a plurality of email data storage devices each using at least one of a plurality of different operating protocols, as recited in independent Claim 1, for example. The Examiner cited the SMTP server of Kirani et al. as disclosing this claim feature. By definition, the cited SMTP server operates on one protocol only and not a plurality of operating protocols. Indeed, the system of Kirani et al., as implemented on the SMTP server, reformats the multimedia content of each email to match the respective multimedia capabilities of the recipient device, but the SMTP server still communicates with each device using standardized communication protocol, i.e. SMTP.

In response to Appellants' prior arguments, the Examiner contended that Kirani et al. discloses the email data storage devices, as recited in independent Claim 1. More

In re Patent Application of:

**ROY ET AL.**

Serial No. 10/777,577

Filed: **FEBRUARY 12, 2004**

---

specifically, the Examiner curiously pointed to the wireless recipient devices of Kirani et al., which the Examiner also cites as disclosing the mobile wireless communications devices of independent Claim 1. In other words, the Examiner appears to be citing the wireless recipient devices of Kirani et al. as disclosing both the email data storage devices (Page 2, Advisory Action of August 30, 2007) and the mobile wireless communications devices (Page 3, Final Office Action June 14, 2007), which access the email data storage devices, as recited in independent Claim 1. Therefore, for this reason alone, independent Claim 1 is patentable over the prior art.

Furthermore, Appellants submit that the Examiner's proposed combination is improper because the cited prior art teaches away from the selective combination of Kirani et al. and Gresham et al. More specifically, the system of Kirani et al. already communicates with different device types by reformatting the multimedia content of emails being routed through the SMTP server based upon the multimedia capabilities of the individual device. Therefore, the insertion of the front-end proxy module based upon the stated motivation is wasteful and unnecessary. Moreover, the system of Kirani et al. is implemented on a SMTP server. Therefore, the sender device communicates with the system of Kirani et al. using the SMTP and not a respective protocol. Indeed, the insertion of the front-end proxy module of Gresham et al. will require exchanging the SMTP server, which is incompatible with such a functionality. Because of this, a

In re Patent Application of:

**ROY ET AL.**

Serial No. **10/777,577**

Filed: **FEBRUARY 12, 2004**

---

person of ordinary skill in the art would be taught away from the substantial modification of adding a front-end proxy module for communicating with the plurality of mobile wireless communications devices using respective operating protocols, as in independent Claim 1.

Accordingly, for the reasons discussed above, it is submitted that independent Claim 1 is patentable over the prior art. Independent Claims 13, 17, 21, and 25 are similar to Claim 1, include similar recitations, and are patentable over the prior art for similar reasons. Their respective dependent claims, which recite yet further distinguishing features, are also patentable over the prior art and require no further discussion herein.

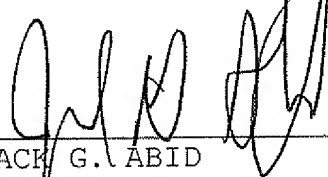
In re Patent Application of:  
**ROY ET AL.**  
Serial No. 10/777,577  
Filed: **FEBRUARY 12, 2004**

---

**CONCLUSIONS**

In view of the foregoing arguments, it is submitted that all of the claims are patentable over the prior art. Accordingly, the Board of Patent Appeals and Interferences is respectfully requested to reverse the earlier unfavorable decision by the Examiner.

Respectfully submitted,



---

JACK G. ABID  
Reg. No. 58,237  
Allen, Dyer, Doppelt, Milbrath  
& Gilchrist, P.A.  
255 S. Orange Avenue, Suite 1401  
Post Office Box 3791  
Orlando, Florida 32802  
407-841-2330  
407-841-2343 fax  
Attorney for Appellants

In re Patent Application of:  
**ROY ET AL.**  
Serial No. 10/777,577  
Filed: **FEBRUARY 12, 2004**

---

**APPENDIX A - CLAIMS ON APPEAL**  
**FOR U.S. PATENT APPLICATION SERIAL NO. 10/777,577**

1. A communications system comprising:

a plurality of electronic mail (email) data storage devices each using at least one of a plurality of different operating protocols;

a plurality of mobile wireless communications devices for accessing said email data storage devices and each using at least one of the plurality of different operating protocols; and

a protocol interface device comprising

a front-end proxy module for communicating with said plurality of mobile wireless communications devices using respective operating protocols, and

a protocol engine module for communicating with said plurality of email data storage devices using respective operating protocols,

said front-end proxy module and said protocol engine module communicating using a common interface protocol able to represent a desired number of protocol-supported elements for a desired operating protocol and cooperating to aggregate email messages from said email data storage devices to respective mobile wireless communications devices.

In re Patent Application of:

**ROY ET AL.**

Serial No. **10/777,577**

Filed: **FEBRUARY 12, 2004**

---

3. The communications system of Claim 1 wherein the common interface protocol is able to represent all protocol-supported elements for a most capable operating protocol.

4. The communications system of Claim 3 wherein the most capable protocol comprises Outlook Web Access (OWA).

5. The communications system of Claim 1 wherein the common interface protocol is based upon a Web-based distributed authoring and versioning (WebDAV) protocol.

6. The communications system of Claim 1 wherein said mobile wireless communications devices send access requests; and wherein said data storage devices send data responsive to access requests.

7. The communications system of Claim 6 wherein the access requests comprise at least one authentication request.

8. The communications system of Claim 7 wherein the at least one authentication request comprises a user identifier and a user password.

9. The communications system of Claim 7 wherein at least one of said data storage devices is for electronic mail (e-mail) messages; and wherein said at least one storage device

In re Patent Application of:

**ROY ET AL.**

Serial No. 10/777,577

Filed: **FEBRUARY 12, 2004**

---

responds to the at least one authentication request with a root folder and target e-mailbox capabilities.

10. The communications system of Claim 1 wherein said protocol interface device generates an error responsive to at least one non-supported operating protocol.

11. The communications system of Claim 1 further comprising a wide area network (WAN) connecting at least one of said mobile wireless communications devices with said protocol interface device.

12. The communications system of Claim 1 further comprising a wide area network (WAN) connecting at least one of said data storage devices with said protocol interface device.

13. A protocol interface device for interfacing a plurality of mobile wireless communications devices with a plurality of electronic mail (email) data storage devices, the mobile wireless communications devices and email data storage devices each using at least one of a plurality of different operating protocols, the protocol interface device comprising:  
a front-end proxy module for communicating with the plurality of mobile wireless communications devices using respective operating protocols; and

In re Patent Application of:

**ROY ET AL.**

Serial No. 10/777,577

Filed: **FEBRUARY 12, 2004**

---

a protocol engine module for communicating with the plurality of email data storage devices using respective operating protocols;

said front-end proxy module and said protocol engine module communicating using a common interface protocol able to represent a desired number of protocol-supported elements for a desired operating protocol and cooperating to aggregate email messages from the email data storage devices to respective mobile wireless communications devices.

15. The protocol interface device of Claim 13 wherein the common interface protocol is able to represent all protocol-supported elements for a most capable operating protocol.

16. The protocol interface device of Claim 13 wherein the common interface protocol is based upon a Web-based distributed authoring and versioning (WebDAV) protocol.

17. A protocol interface device for interfacing a plurality of communications devices with a plurality of electronic mail (email) data storage devices, the communications devices and email data storage devices each using at least one of a plurality of different operating protocols, the protocol interface device comprising:



In re Patent Application of:

**ROY ET AL.**

Serial No. 10/777,577

Filed: **FEBRUARY 12, 2004**

---

a front-end proxy module for communicating with the plurality of communications devices using respective operating protocols; and

a protocol engine module for communicating with the plurality of email data storage devices using respective operating protocols;

said front-end proxy module and said protocol engine module communicating using a common interface protocol able to represent a desired number of protocol-supported elements for a desired operating protocol and cooperating to aggregate email messages from the email data storage devices to respective mobile wireless communications devices.

19. The protocol interface device of Claim 17 wherein the common interface protocol is able to represent all protocol-supported elements for a most capable operating protocol.

20. The protocol interface device of Claim 17 wherein the common interface protocol is based upon a Web-based distributed authoring and versioning (WebDAV) protocol.

21. A method for interfacing a plurality of mobile wireless communications devices with a plurality of electronic mail (email) data storage devices, the mobile wireless communications devices and email data storage devices each using

In re Patent Application of:

**ROY ET AL.**

Serial No. 10/777,577

Filed: **FEBRUARY 12, 2004**

---

at least one of a plurality of different operating protocols, the method comprising:

providing a front-end proxy module for communicating with the plurality of mobile wireless communications devices using respective operating protocols;

providing a protocol engine module for communicating with the plurality of email data storage devices using respective operating protocols; and

causing the front-end proxy module and the protocol engine module to communicate using a common interface protocol able to represent a desired number of protocol-supported elements for a desired operating protocol and to cooperate to aggregate email messages from the email data storage devices to respective mobile wireless communications devices.

23. The method of Claim 21 wherein the common interface protocol is able to represent all protocol-supported elements for a most capable operating protocol.

24. The method of Claim 21 wherein the common interface protocol is based upon a Web-based distributed authoring and versioning (WebDAV) protocol.

25. A computer-readable medium having computer-executable modules for interfacing a plurality of mobile wireless communications devices with a plurality of electronic mail

In re Patent Application of:

**ROY ET AL.**

Serial No. **10/777,577**

Filed: **FEBRUARY 12, 2004**

---

(email) data storage devices, the mobile wireless communications devices and email data storage devices each using at least one of a plurality of different operating protocols, the computer-readable medium comprising:

a front-end proxy module for communicating with the plurality of mobile wireless communications devices using respective operating protocols; and

a protocol engine module for communicating with the plurality of email data storage devices using respective operating protocols, the front-end proxy module and the protocol engine module communicating using a common interface protocol able to represent a desired number of protocol-supported elements for a desired operating protocol and cooperating to aggregate email messages from the email data storage devices to respective mobile wireless communications devices.

27. The computer-readable medium of Claim 25 wherein the common interface protocol is able to represent all protocol-supported elements for a most capable operating protocol.

28. The computer-readable medium of Claim 25 wherein the common interface protocol is based upon a Web-based distributed authoring and versioning (WebDAV) protocol.

In re Patent Application of:

**ROY ET AL.**

Serial No. 10/777,577

Filed: **FEBRUARY 12, 2004**

---

**APPENDIX B - EVIDENCE APPENDIX**  
**PURSUANT TO 37 C.F.R. § 41.37(c)(1)(ix)**

None.

In re Patent Application of:

**ROY ET AL.**

Serial No. 10/777,577

Filed: **FEBRUARY 12, 2004**

---

**APPENDIX C - RELATED PROCEEDINGS APPENDIX**  
**PURSUANT TO 37 C.F.R. § 41.37(c)(1)(x)**

None.